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W.G. LOOPE, Chairman
E.O. SHIFLETT, Vice-Chairman
R.E. LAYMAN, JR.
BONNIE B. MAYO
WANDA C. WINGO

Botetourt County
RE Board of Supervisors

Oct 29 1997

GERALD A. BURGESS
COUNTY ADMINISTRATOR
PHONE (540) 473-8223
FAX (540) 473-8207
1 WEST MAIN STREET-BOX 1
FINCASTLE, VIRGINIA 24090

FCC MAIL ROOM

October 28, 1997

William F. Caton, Acting Secretary
Office of the Secretary
Federal Communications Commission, Rm. 222
1919 M Street, NW
Washington, D.C. 20554

Dear Mr. Caton:

This letter concerns the Federal Communications Commission's notice of proposed rule making (MM Docket No. 97-182) which would effectively preempt local zoning authority over television and radio broadcast towers. Botetourt County adamantly and vigorously opposes this federal preemption of local zoning and land use authority over the siting, placement and construction of broadcast station transmission facilities, for numerous reasons including, but not limited to, the following:

- Approval of this rule would preempt all local zoning authority and building permit requirements over the siting and construction of towers unless a local government could demonstrate the requirement was reasonable in order to meet health or safety objectives. There are many other local concerns that should be considered.
- The time limits requiring local governments to act on requests for towers are unrealistic and do not take into consideration the procedural requirements of state and local law.
- Appellants could appeal any local decision to the FCC rather than going through the court system that is usual for any other local development issue.

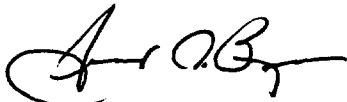
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William F. Caton
October 28, 1997
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A copy of the Botetourt County Board of Supervisor's official action taken on October 21, 1997 to oppose this proposed rule making is enclosed. By way of copy of this correspondence and the record of the Board of Supervisor's action we are notifying the National Association of Counties, the Virginia Association of Counties, and all appropriate elected officials of this opposition and requesting that they likewise vigorously oppose this unprecedented assault on the very heart of local land use and regulatory authority.

Sincerely,

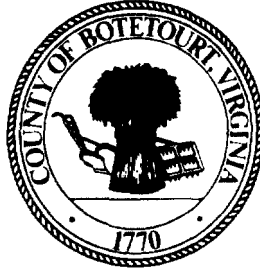


Gerald A. Burgess
County Administrator

c:

The Honorable Charles S. Robb, U.S. Senator
The Honorable John W. Warner, U.S. Senator
The Honorable Robert W. Goodlatte, U.S. Representative, 6th District
The Honorable Malfourd W. Trumbo, VA Senator, 22nd District
The Honorable C. Richard Cranwell, VA House of Delegates, 14th District
The Honorable R. Creigh Deeds, VA House of Delegates, 18th District
The Honorable Lacey E. Putney, VA House of Delegates, 19th District
National Association of Counties
Virginia Association of Counties
Botetourt County Board of Supervisors
Botetourt County Planning Commission
Fifth Planning District Commission

enclosure



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The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, October 21, 1997, in the County Board Meeting Room, Old General District Courthouse, Fincastle, Virginia, beginning at 9:00 A. M.

PRESENT: Members: Mr. William G. Loope, Chairman
Mr. E. O. Shiflett, Vice-Chairman
Mr. Robert E. Layman, Jr.
Mrs. Bonnie B. Mayo
Mrs. Wanda C. Wingo

ABSENT: Members: None

After further discussion, on motion by Mrs. Wingo, and carried unanimously, the Board directed the County Administrator to notify the Federal Communications Commission of Botetourt County's opposition to the proposed rule making, and urged the Virginia Association of Counties, the National Association of Counties, and our elected officials to vigorously oppose this rule making which would preempt local zoning authority over television and radio broadcast towers. (Resolution Number 97-10-15)

A Copy TESTE:

Mr. Gerald A. Burgess
County Administrator